IN THE FIGURES:

Pursuant to *37 CFR 1.121(d)*, Applicants file with this Amendment, a Formal Drawing Transmittal Letter that describes a change to original Fig. 5 in this application. Applicant respectfully requests the Examiner's approval of the change.

REMARKS

Applicant respectfully requests reconsideration of this application, and reconsideration of the Office Action of September 9, 2004. Upon entry of this Amendment, claims 1-12 will remain pending in this application. The changes to the Figures and specification represent obvious corrections of obvious errors noted by the Examiner in the Office Action. No new matter is incorporated by this Amendment.

* * * * *

The figures and specification were both objected to because of informalities (i.e. typographical errors). Applicant wishes to thank the Examiner for pointing out the typographical errors. Moreover, Applicant has amended Figure 5 and page 16 of the specification as suggested by the Examiner. Hence, both objections are accommodated and withdrawal of each is respectfully requested.

* * * * *

Claims 1-12 are rejected under 35 U.S.C. 102(b) as purportedly anticipated by Altunbasak et al. (U.S. Pat. No. 6,597,816). The Office Action asserts Altunbasak   . teaches each feature of the claims and thus anticipates the claimed invention. Applicant respectfully traverses.

As an initial matter, Applicant notes the application that led to the Altunbasak patent was filed October 30, 1998. Altunbasak, et al. issued on July 22, 2003. The present application was filed November 21, 2001. Hence, because the present application was filed before the issue date of the Altunbasak patent, the Altunbasak patent does not qualify as prior art under 35 U.S.C. 102(b).

Next, Applicant makes the following comments for patentably distinguishing

Altunbasak from the present claims. Independent claim 1 (from which claim 2 depends) concerns a lens distortion factor calculating apparatus for subjecting an image picked up by image pick-up means having a lens to lens distortion correction. The lens distortion factor calculating apparatus includes first, second and third means. The first means finds, on the basis of two images picked up by the image pick-up means, the coordinates of a plurality of corresponding points between the images. The second means calculates, on the basis of the coordinates of the corresponding points found by the first means, geometric transform factors between such two images. Then, the third means calculates, on the basis of the coordinates of the corresponding points found by the first means, and the geometric transform factors found by the second means, a lens distortion factor.

Independent claim 3 (from which claim 4 depends) concerns a corresponding method having active steps which correspond to each of the three means described above.

From the above summary of Applicant's claimed invention, it is important to note that the "second means" first calculates the motion of the camera (i.e. the "geometric transform factors" as used in the claims) based on point coordinates found by the "first means". It is not until after the "geometric transform factors" (camera motion) have been calculated and are available that the "third means" goes on to calculate the lens distortion using the (motion of the camera) geometric transform factors and the point coordinates. Altunbasak also describes a lens distortion calculation. However, to those of ordinary skill in the art, Altunbasak teaches use of a geometric transform equation incorporating both the motion of the camera and the lens distortion. This requires solution of one or more nonlinear equations. Altunbasak handles lens distortion and camera motion at the same time. This requires significantly longer processing time. This is completely different from Applicant's invention. Altunbasak neither teaches nor fairly suggests the

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Applicant's recited second and third means (and corresponding method steps). Hence, for at least these reasons, Altunbasak cannot be said to anticipate independent claims 1 or 3.

Independent claim 5 (from which claim 6 depends) concerns a readable recording medium which causes a computer to carry out the steps similar to those recited in claim 3. Independent claim 7 (from which claim 8 depends) concerns an image constructor and includes *inter alia* the features recited in claim 1. Independent claim 9 (from which claim 10 depends) concerns an image constructing method and includes *inter alia* the features recited in claim 3. Furthermore, independent claim 11 (from which claim 12 depends) concerns a computer readable recording medium which causes a computer to carry out *inter alia* steps recited in claim 3. Hence, for the reasons explained above with respect to independent claims 1 and 3, Altunbasak also does not anticipate the subject matter of claims 5-12.

In view of the above remarks, Applicant submits this rejection is overcome and respectfully requests that it be withdrawn.

* * * * *

Applicant respectfully submits that this Amendment and the above remarks obviate all of the outstanding objections and rejection in this case, thereby placing the application in condition for allowance. Allowance of this application is earnestly solicited.

If any fees under 37 C.F.R. §§1.16 or 1.17 are due in connection with this filing, please charge the fees to Deposit Account No. 02-4300; Order No. 033240.014.

If an extension of time under 37 C.F.R. §1.136 is necessary that is not accounted for in the papers filed herewith, such an extension is requested. The extension fee should be charged to Deposit Account No. 02-4300; Order No. 033240.014.

Respectfully submitted,

SMITH, GAMBRELL & RUSSELL, LLP
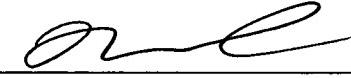
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